

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re Application of:  
 Jean-Francois ZAGURY  
 Serial No. 10/510,116  
 IA Filing Date: April 9, 2003  
 For: NEW PEPTIDES AND THEIR USE IN THERAPEUTICS )

Atty's Dkt: ZAGURY9  
 ) Application Division  
 ) ATTN: PCT  
 ) Washington, D.C.  
 ) Confirmation No. 7529  
 ) Date: July 19, 2005

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated --, 2004. Attached hereto is/are:

- An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- A Preliminary Amendment       Fees are reduced due to elimination of claim multiple dependencies.
- Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
- Additional fees as calculated below:

<input type="checkbox"/> Basic fee			
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130.00	
Number of each additional 50 pages or fraction thereof (round up to a whole number)	RATE		
	X \$250.00		
Number of Claims Previously Paid For	Number of Extra Claims	Rate	
13- 20 =	0	X \$ 50.00	\$
1- 3 =	0	X \$200.00	\$
Multiple Dependent Claims (if applicable)		+ \$360.00	\$
<b>TOTAL OF ABOVE CALCULATIONS</b>		\$130.00	
Reduction of $\frac{1}{2}$ for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.		<\$65.00>	
<b>SUBTOTAL</b>		\$65.00	
Processing fee of \$130.00 for late furnishing of the English translation.		\$	
<b>TOTAL NATIONAL FEE</b>		\$65.00	

It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity		Other Than Small Entity	
Response Filed Within		Response Filed Within	
<input type="checkbox"/> First	- \$ 60.00	<input type="checkbox"/> First	- \$ 120.00
<input type="checkbox"/> Second	- \$ 225.00	<input type="checkbox"/> Second	- \$ 450.00
<input type="checkbox"/> Third	- \$ 510.00	<input type="checkbox"/> Third	- \$1,020.00
<input type="checkbox"/> Fourth	- \$ 795.00	<input type="checkbox"/> Fourth	- \$1,590.00
<input type="checkbox"/> Fifth	- \$1,080.00	<input type="checkbox"/> Fifth	- \$2,160.00
month after time period set		month after time period set	

Total fees enclosed: \$ 65.00

Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 65.00 is enclosed to cover the above fees.

Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.  
 The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

07/28/2005 RIN 0651-0200 0038.00

07/28/2005

65.00 12

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:

Roger L. Browdy

Registration No. 25,618



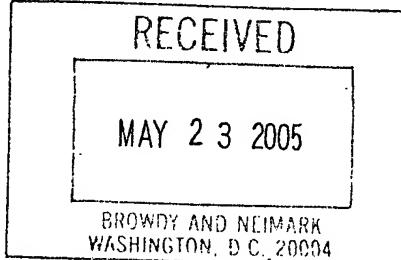
UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 19 JUL 2005

RINN,

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,116	Jean-Francois Zagury	ZAGURY9
INTERNATIONAL APPLICATION NO.		
PCT/FR03/01120		
IA. FILING DATE	PRIORITY DATE	
04/09/2003	04/10/2002	
CONFIRMATION NO. 7529		
371 FORMALITIES LETTER		
 *OC000000016051127*		



Date Mailed: 05/19/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/04/2004
- English Translation of the IA filed on 10/04/2004
- Copy of the International Search Report filed on 10/04/2004
- Copy of IPE Report filed on 10/04/2004
- Information Disclosure Statements filed on 10/04/2004
- Biochemical Sequence Diskette filed on 10/04/2004
- Small Entity Statement filed on 10/04/2004
- Request for Immediate Examination filed on 10/04/2004
- U.S. Basic National Fees filed on 10/04/2004
- Priority Documents filed on 10/04/2004

MSR: 19 JUL 2005.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$180** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$65** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR

1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$245** for a Small Entity:

• **\$65** Late oath or declaration Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

• Total additional claim fee(s) for this application is **\$ 180**

- **\$180** for multiple dependent claim surcharge.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,116	PCT/FR03/01120	ZAGURY9

FORM PCT/D/EO/905 (371 Formalities Notice)